

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JORGE FELIX EXIDORO ROMERO,

Petitioner,

v.

CIV 06-0990 MV/KBM

STANLEY MOYA, Warden, et al.,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

The Magistrate Judge filed her Proposed Findings and Recommended Disposition on February 2, 2007. *See Doc. 18.* The proposed findings notify Petitioner of his ability to file objections and that failure to do so waives appellate review. To-date, Petitioner has not filed any objections, and nothing in the record indicates that the proposed findings were not delivered.

Wherefore,

IT IS HEREBY ORDERED THAT:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 18*) is ADOPTED;
2. Respondents' motion to strike (*Doc. 10*) is DENIED;

3. Respondents' motion to dismiss that was filed in error (*Doc. 11*) is DENIED AS MOOT;
4. Respondents' corrected motion to dismiss (*Doc. 15*) is GRANTED IN PART;
5. Petitioner's motion for appointment of counsel (*Doc. 17*) is DENIED;
6. The § 2254 petition is dismissed with prejudice as without merit; and
7. A final order enter concurrently herewith.



CHIEF UNITED STATES DISTRICT JUDGE